

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

IN RE:)	CASE No: 17-74129-SCS
DONNA OWENS LINDSEY)	Chapter 13
GEORGE HENRY LINDSEY)	
Debtor(s),)	
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Wilmington Savings Fund Society, FSB, d/b/a)	
Christiana Trust, not in its individual capacity but)	
solely in its capacity as Owner Trustee for NRPL)	
Trust Series 2015-2,)	
Movant.)	
v.)	
Donna Owens Lindsey, Debtor,)	
George Henry Lindsey, Debtor,)	
Michael P. Cotter, Trustee,)	
Respondents.)	
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ORDER GRANTING RELIEF FROM STAY

Upon consideration of the motion of Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not in its individual capacity but solely in its capacity as Owner Trustee for NRPL Trust Series 2015-2 to modify the automatic stay; it is

ORDERED that the automatic stay imposed by 11 U.S.C. Section 362 is modified to permit the movant to enforce the lien of its deed of trust as it pertains to the real property located at 14 Benton Avenue, Portsmouth, VA 23702, and is more particularly described as follows:

All that certain land, the following described property, located in the City of Portsmouth, State of Virginia:

All that certain lot, piece or parcel of land, with the buildings and improvements thereon belonging thereto, lying in the City of Portsmouth (formerly Deep Creek Megisterial District, Norfolk County, Virginia), known, numbered and designated as Lot Number 12, in Block Number 1, as shown on the revised Plat of South Highland Syndicate, Incorporated, is duly recorded in the Clerk's Office of the Circuit Court of the City of Chesapeake (formerly Norfolk County), Virginia in Map Book 18, at Page 71, to which Plat reference is made for a further description of the said Lot, which is herein described as follows: fronting fifty (50) feet on the northern line of Benton Avenue, and extending northward between parallel lines a distance of two hundred and thirty-one and five tenths (231.5) feet, more or less.

which relief shall extend to the purchaser at the foreclosure sale to allow the purchaser to take such action under state law, as may be necessary, to obtain possession of the property.

FURTHER ORDERED, that the Movant shall promptly notify the Court and the Chapter 13 Trustee in writing of the results of any foreclosure of the subject deed and pay to the Chapter 13 Trustee any excess funds received from such foreclosure sale, to be disbursed upon agreement with the Debtor(s) or upon further order of the Court.

FURTHER ORDERED, that upon entry of the order granting relief from the automatic stay of 11 U.S.C. §362, the Trustee will immediately cease making any payments on the Movant's secured claim which were required by the plan. Any amended unsecured claim for a deficiency must be filed by the Movant, with an accounting showing how the deficiency was calculated, within 120 days from the date on which the order lifting stay is entered, or such claim against the bankruptcy estate shall be forever barred.

Mar 21 2018

DONE at Norfolk Division, Virginia, this ____ day of _____, 2018

/s/ Stephen C. St.John

Judge, United States Bankruptcy Court

Entered on Docket: Mar 21, 2018

/s/ Daniel Kevin Eisenhauer
Daniel Kevin Eisenhauer, BAR No: 85242
Jason S. Murphy BAR No: 85915
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Attorney for Movant

SEEN AND Agreed:

/s/ Casey Louis Chmielewski via fax
Casey Louis Chmielewski
1932 Kempsville Road, Ste 105
Virginia Beach, VA 23464
casey@bergchm.com
Attorney for Debtor

SEEN:

/s/ Warren A. Uthe, Jr. Staff Attorney, via email
Michael P. Cotter
870 Greenbrier Circle, Suite 402
Chesapeake, VA 23320
Chapter 13 Trustee

CERTIFICATION

The undersigned certifies, pursuant to Local Rule 9022-1(c) that all necessary parties have endorsed the foregoing Order and that the Order is ready for entry.

/s/ Daniel Kevin Eisenhauer
Attorney for Movant

CERTIFICATION

The undersigned certifies that the foregoing Order Granting Relief from Stay is substantially in compliance with the form order required by Administrative Order 10-2.

/s/ Daniel Kevin Eisenhauer
Attorney for Movant

Will the clerk please send copies of this Order in electronic format to all parties who are listed on the ECF system and to:

Donna Owens Lindsey
1776 Chase Arbor Commons
Virginia Beach, VA 23462

George Henry Lindsey
1776 Chase Arbor Commons
Virginia Beach, VA 23462